



## **Convention on the Rights of Persons with Disabilities**

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### **Committee on the Rights of Persons with Disabilities**

#### **Seventeenth session**

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Item 7 of the provisional agenda

**Consideration of reports submitted by  
parties to the Convention under article 35**

### **List of issues in relation to the initial report of the Republic of Moldova**

#### **Addendum**

### **Replies of the Republic of Moldova to the list of issues\***

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## **A. Purpose and general obligations (art. 1-4)**

### **Reply to the issues raised in paragraph 1 of the list of issues (CRPD/C/MDA/Q/1)**

1. The Republic of Moldova had ratified the UN Convention on the Rights of Persons with Disabilities (hereinafter the Convention) by Law no. 166-XVIII of 09.07.2010, showing interest in developing and promoting the policies in the field of social inclusion of persons with disabilities and the adjustment of the national legislation in the field of disability to international legal provisions.
2. On March 30, 2012, the Parliament of the Republic of Moldova adopted the Law no. 60 on Social Inclusion of Persons with Disabilities (hereinafter the Law no. 60).
3. In broad terms, the Law stipulates the observance of the rights of persons with disabilities, to the same extent as other citizens, to: social protection, healthcare, rehabilitation, education, labor, public life, physical environment, transportation, information technologies and systems, communication and other utilities and services, to which the general public has access to.
4. Concerning the support measures for persons with disabilities, it is worth mentioning that, according to the legislation in operation, the support is provided in the form of benefits and social services, employment services, health insurance, access to education, justice, some facilities, etc., aimed at ensuring the process of social inclusion of this category of persons.
5. In the process of social inclusion of persons with disabilities a major priority is the establishment and development of social services. In this context, it should be mentioned, that a number of regulatory legal acts were adopted through the last years. They are regulating the organization and operation of several types of social services, including: Supported Living, Community Home, Mobile Team, Personal Assistance, Respite, Family Placement for Adults, Service of interpretation into the sign language for persons with hearing impairments, etc.
6. Concerning the disability determination, it must be stated that, in 2013, by Government Decision no. 65 of January 23, 2013 "On determining the disability and working capacity", the Republican Council for Medical Examination of Vitality was reformed and reorganized into the National Council for Determining Disability and Working Capacity. The main goal of the reform was to shift from the medical model, to the medical-social model in the process of determination of disability, which has been performed by the employment of the social workers and psycho-pedagogues in the teams of experts. In addition, the new methodology and the new criteria for determining the disability and working capacity, was developed and approved.
7. The new methodology on disability determination is oriented at the determination of needs of the persons with disabilities and their referral to rehabilitation and support services, in the view of their social inclusion. This program constitutes a set of recommendations in more areas, like: healthcare, social assistance, occupational activity and the educational process, in case of children.
8. Although certain steps of modernizing the system have been taken, it is necessary to keep continuous work for improving this process, including by: improving the institutional structure and the organization and operation of the National Council for Determining Disability and Working Capacity, reviewing the criteria for disability determination, through development of the necessary tools to assess and determine disability and working capacity/performances (the case of children), delivering continuous in-service training of professionals involved in the disability determination process, etc.

### **Reply to the issues raised in paragraph 2 of the list of issues**

9. Since 2010, a number of legislative acts and norms have been developed and approved, regulating the reforming process in this field. The approved acts include: the Strategy on Social Inclusion of Persons with Disabilities and the Law on Social Inclusion of Persons with Disabilities; has been reformed the institution in charge for determination of disability and working capacity; various types of social services for persons with disabilities have been regulated and developed, etc. Thus, the efforts of the State are aimed at integrating the model of human rights in the legislative and regulatory acts, as to ensure the observance of the rights and the social inclusion of persons with disabilities.

10. In order to adjust the existing legal framework to the Convention and to the Law no. 60, on 28.07.2016, was adopted by the Parliament the law that stipulates the amendment of about 50 legislative acts.

11. In the context of adjusting the regulatory framework to the Convention, a new National Program on Social Inclusion of Persons with Disabilities for years 2017-2022, is in process of developing. The Program is a continuation of reforms initiated in the framework of the Strategy, developed in line with the Convention and the needs of persons with disabilities from the country. It will represent a policy document, in the view of regulating the actions and measures meant to provide the accessible environment for persons with disabilities, both, in terms of community services, and other public assets, and to promote the social inclusion of this category.

12. In the process of developing policies, regulatory and legislative acts, all developed drafts are consulted with the authorities in charge and the civil society, inclusively, they are posted on the website of the ministry ([www.mmmpsf.gov.md](http://www.mmmpsf.gov.md)) and on the website of the Government ([www.particip.gov.md](http://www.particip.gov.md)) online platform, where all draft legislative and regulatory acts of all central public authorities are posted, for being consulted by the public.

13. The MLSPF is efficiently collaborating with a number of non-governmental associations, including: the Alliance of the Organizations of Persons with Disabilities of the Republic of Moldova, the Center for Legal Assistance to Persons with Disabilities, the Association of Deaf Persons, the Association of Blind Persons, the Society of Persons with Disabilities, the Union of Organizations of Persons with Disabilities, the A.O."KEYSTONE Moldova", etc., which are addressing all draft policies, the regulatory and legislative acts on issues related to persons with disabilities.

14. Another platform of collaboration used by the MLSPF is the organization of meetings, workshops and working groups, for discussion of the draft legislative and regulatory acts (strategies, policies and plans, etc.) on the rights of persons with disabilities.

15. At the Government level, the consultation of the drafts of legislative and regulatory acts in the field is also carried out in the meetings of the National Council for the Rights of Persons with Disabilities. The National Council for the Rights of Persons with Disabilities (hereinafter the Council) is a consultative collegial body, created with the purpose of monitoring the implementation and promotion of the state policy in the field (legal acts, strategies, programs, actions plans, etc.), that consists of representatives of central and local public authorities, non-governmental organizations and representatives of the community-based organizations, the area of activity of which includes issues related to persons with disabilities.

### **Reply to the issues raised in paragraph 3 of the list of issues**

16. Art. 2 of the Law no. 60 defines several notions, including "reasonable accommodation" and "universal design".

17. The generic term “reasonable accommodation” implies the necessary and adequate changes and adjustments, which do not impose disproportionate or unjustified efforts, when necessary, as to allow persons with disabilities to enjoy or exercise all the fundamental human rights and freedoms, on equal basis with other individuals.

18. “Universal design” represents the design of products, environment, programs and services, so that they could be used by everyone, as much as possible, without any need for adaptation or special design. In addition, universal design shall not exclude the assistance devices for certain groups of persons with disabilities, when necessary.

19. The Law no. 121 of 25.05.2012 on Ensuring Equality, provides for a more general definition of the notion “reasonable accommodation”, in the sense of any change or adaptation that is necessary and adequate, in a particular case, which does not impose a disproportionate or unjustified task, when it is necessary, enabling an individual, in the cases set forth in the law, to exercise its fundamental rights and freedoms, under the same conditions of equality as other individuals.

20. The notions “reasonable accommodation” and “universal design” are the fundamental principles in the development of regulatory and legislative acts, policy documents, inclusively, in terms of the access of persons with disabilities to infrastructure, public goods and services. In addition, the Law on Social Inclusion of Persons with Disabilities regulates the general provisions on the state policy concerning the accessibility of persons with disabilities, starting with the design and building of social infrastructure and finishing with providing their access to the public transportation means, in compliance with the principles of “reasonable accommodation” and “universal design”.

## **B. Specific rights**

### **Equality and non-discrimination (art. 5)**

#### **Reply to the issues raised in paragraph 4 of the list of issues**

21. The legal and policy framework on non-discrimination, including on the basis of disability, is regulated by the Law no. 60, Law no. 121 of 25.05.2012 on Ensuring Equality and the Criminal Code of the Republic of Moldova no. 985 of 18.04.2002. The aforementioned legal framework stipulates that the state guarantees the exclusion of any form of discrimination on the basis of disability and regulates that persons with disabilities have equal rights before the law. At the same time, the above mentioned laws contain specific legal provisions on preventing and fighting against discrimination.

22. Thus, in terms of protection of persons with disabilities from discrimination and the promotion of social inclusion of this category, there are genuine “quasi-judicial” institutions at the national level that have powers to prevent and fight against discrimination, including on the basis of the disability criterion. The Republic of Moldova has a national system of human rights based on the Constitution of Republic of Moldova, of July 29, 1994, the national legislation and the international instruments the country is party to. In this context, the national legal framework regulates the prohibition of discrimination against persons with disabilities in all spheres of life and stipulates the activity of the institutions empowered to prevent and eliminate the discrimination. For the purpose of preventing and eliminating discrimination, the Council for Preventing and Eliminating Discrimination and Ensuring Equality (hereinafter the Council) was created.

23. Throughout the period from 2013 — to June 2016, the Council, in its activity, examined 420 cases, issued 230 decisions, of which, 103 decisions on acknowledging discrimination. From the total number of decisions of acknowledgement of the

discrimination, the largest share is represented by the cases of discrimination based on disability — 30% of cases. The analysis of decisions issued by the Council shows that most complaints refer to the discrimination related to the access to goods and services available to the public, which is followed by the discrimination in education, the delivery of legal assistance guaranteed by the state, discrimination on the labor market and instigation to discrimination.

24. In terms of the methods of protection against multiple and intersectorial discrimination based on age, gender, disability and ethnicity, it should be mentioned that Art. 4, letter d) of the Law no. 121 of 25.05.2012 on Ensuring Equality.

25. According to Art.176, par.(1) letter d) of the Criminal Code of the Republic of Moldova, no. 985 of 18.04.2002, any differentiation, exclusion, restriction or preference in the rights and freedoms of an individual or a group of individuals, is punished with a fine of 400 — 600 conventional units or unpaid community work of 150-240 hours, or up to 2 years imprisonment, in all cases with (or without) deprivation of the right to hold certain positions or exercise a certain activity for 2-5 years.

26. In the context of promoting the rights of persons with disabilities and the protection against discrimination, there are also other structures having this responsibility, including: the Ombudsman's Office, the National Council for the Rights of Persons with Disabilities and the National Council for the Child Rights Protection.

#### **Reply to the issues raised in paragraph 5 of the list of issues**

27. The above mentioned law is a framework-law that regulates the prevention and fight against discrimination and the equality for all persons in the territory of the Republic of Moldova, in the political, economic, social, cultural and other areas of life, regardless of the race, color, nationality, ethnicity, language, religion or beliefs, gender, age, disability, opinion, political preference or any other similar criterion.

28. The law is a general framework for the protection of human rights and the rights of persons with disabilities and regulates, among other things, their full and efficient participation in the life of the society, in the same conditions as other individuals. The usefulness of the Law is justified by the fact that, besides the general legal provisions on equality, the law also establishes the institutional framework, with the competences on preventing and fighting against discrimination and ensuring equality. In this context, it should be stated that the authorities in charge for preventing and fighting against discrimination are:

- The Council for Preventing and Eliminating Discrimination and Ensuring Equality;
- The public authorities;
- The courts.

29. The reasons for the usefulness of the Law, for persons with disabilities are represented also by the number of decisions on acknowledging discrimination based on disability, thus, from 103 decisions acknowledging discrimination, 30% are cases of discrimination against persons with disabilities. This shows that, the above mentioned Law is a real mechanism of protecting the rights and fighting against discrimination, including persons with disabilities, who have the same rights and must be treated equally with other members of the society.

## **Women with disabilities (art. 6)**

### **Reply to the issues raised in paragraph 6 of the list of issues**

30. According to the official statistics, the total number of persons with disabilities in the Republic of Moldova in 2016 represented about 184 thousand. Women and girls with disabilities constitute 48% of all persons with disabilities.

31. In line with art. 8, par. (12) of the Law no. 60, the State takes measures to ensure that persons with disabilities, including women and girls with disabilities, are not subject to multiple discriminations and enjoy all fundamental human rights and freedoms. Art. 42, par. (12), of the above mentioned Law, stipulates that, when healthcare is provided to women with disabilities their special needs are taken into consideration, including the gynecologist treatment and counseling on family planning and reproductive health.

32. According to the Law no. 5 of 09.02.2006 on Ensuring Equal Opportunities between Women and Men, it is regulated that the fulfillment of rights is equal for women and men, in the political, economic, social, cultural and other areas of life.

33. To prevent discrimination and to target the legal and policy framework on the basis of the gender perspective, institutional structures with specific competences have been established at the national level, such as: the Governmental Commission for Equality between Women and Men, the Directorate for Ensuring Equality between Women and Men, in the framework of the MLSPF, the Gender Councils and Units, in the central and local public administration.

34. On 14.04.2016, the Parliament adopted the Law no. 71 on amending certain legislative acts, with a view to promote gender equality and increase women's participation in decision making by eliminating discrimination against women and promoting their involvement in politics.

35. In this context, for effective involvement of women, persons with disabilities, representatives of the minorities and other groups, which need special attention in the participatory processes, it has been carried out a number of events, with the aim of promotion of girls and women with disabilities (for example: Public Forum "Partnership for Inclusive and Prosperous Moldova — Women Matter!", Program "Women in Moldovan Politics", etc.).

### **Reply to the issues raised in paragraph 7 of the list of issues**

36. In terms of accessibility and reasonable accommodation of services for victims of domestic violence, we inform that by Government Decision no. 129 of 22.02.2010 on approving the Framework-Regulation on the Organization and Operation of Centers for Rehabilitation of Victims of Domestic Violence, as well as, by Government Decision no. 1200 of 23.12.2010 on approving the Minimum Quality Standards on social services provided to victims of domestic violence, the principle of non-discrimination of beneficiaries is stipulated, thus, the Center must be open to all victims, irrespective of the race, color, gender, religion, political opinion, nationality, ethnic and social background, civil status, disability, HIV status, etc. In this context, it should be mentioned that women with disabilities have also access to and are assisted in the Centers that provide services to victims of domestic violence.

37. To improve the system of social assistance and protection of victims of human trafficking, with focus on increasing their access to the delivery of quality services, the Framework-Regulation and Minimum Quality Standards of the Service of Assistance and Protection of the Victims of Human Trafficking were approved, by Government Decision no. 898 of December 30, 2015. This document stipulates that the service is accessible,

available and free to all its beneficiaries and the package of services is focused on the individual needs, including of the persons with disabilities.

#### **Reply to the issues raised in paragraph 8 of the list of issues**

38. The Coordinating Group under the MLSPF develops, promotes and monitors the policies in the fields of competence and activity of the MLSPF. Thus, the member of the Group, within the Directorate for Policies of Social Protection of Persons with Disabilities, is in charge for monitoring the observance of the principle of gender equality in the policies and programs for persons with disabilities. Therefore, all the draft regulatory and legislative acts (strategies, policies and plans), referring to persons with disabilities, are endorsed on the basis of the principle of gender equality and from the perspective of protecting the rights of women and girls with disabilities.

#### **Children with disabilities (art. 7)**

##### **Reply to the issues raised in paragraph 9 of the list of issues**

39. In 2007, the reform of the residential child care system was launched and became a priority for the Strategy on Child Protection for 2014-2020.

40. In this context, we inform that was adopted the Law no. 140 of 14.06.2013 on Special Protection of Children at Risk and Children Separated from their Parents. It regulates that the guardianship authorities must take all necessary measures to assist and support children and their families to prevent the separation of the child from their family environment or, where appropriate, to (re)integrate them into the family.

41. An important role in the prevention of institutionalization is played by the functional mechanism of assessing the child at risk, who shall be separated from its parents and placed in a care service. To this end, in every district and municipality of the country there is a Commission for the Protection of the Child in Difficulty (*Gate-keeping Commission*), which is the main element in preventing the unjustified placement of children in residential care.

42. By Government Decision no. 7, of 20.01.2016, a new Framework-Regulation on the activity of the Commission for the Protection of the Child in difficulty was approved. The document represents a Regulatory framework that implies extending the duties of this Commission.

43. Regarding the deinstitutionalization of children under 3 years old and of children with disabilities, it should be stated that a Memorandum of Cooperation between the MLSPF and UNICEF and CCF Moldova was signed in February 2016. It aims at implementing a technical assistance project in this field, during subsequent two years. In the framework of the project two Republican Centers of Placement and Rehabilitation for Young Children, run by the Ministry of Health, will be transformed into socio-medical services, replacing the residential care services. In addition, two social nurseries will be created for deinstitutionalized children and 25 families of foster carers specialized in child care will be supported. The project also includes the launch of a broad public awareness campaign meant to promote foster care for young children and children with disabilities.

44. The MLSPF coordinates the activity of two residential institutions for children with disabilities:

- The boarding school for children with mental deficiencies (girls) in Hincesti town;
- The boarding school for children with mental deficiencies (boys) in Orhei town.

45. These institutions underwent a complex evaluation in 2015, their beneficiaries were assessed and adequate forms of protection were identified for them. The evaluation of these residential institutions was conducted in the context of identifying and developing transformation and reorganization plans for these institutions, actually in the process of being finalized.

46. In the context of preventing and monitoring the institutionalization process, a Working group was established, by the Order no. 166 of 22.10.2015, of the MLSPF. It aims at examining the requests of placing children in the residential institutions subordinated to the MLSPF. Thus, all requests for placing children in the residential institutions run by the MLSPF are examined by this group. The requests for placing children in the residential institutions run by the MLSPF are presented by the territorial guardianship authority, which issues the decision on the child's planned placement in the residential service. The Working Group consists of representatives of the Ministry, Ministry of Health, Ministry of Education, "Keystone Moldova" and "CCF Moldova".

47. In the context of preventing the institutionalization of children with disabilities, it should be mentioned that by Government Decision no. 523 of 11.07.2011, has been approved the Program for Development of Inclusive Education for 2011-2020, which provides equal opportunities to all children to quality education. Due to residential child care system reform and the prevention of institutionalization there is a 60% (from 3550 to 1500) decrease in the number of children who are attending the special education institutions.

48. Based on the mentioned above, according to the Law no. 60 of 30.03.2012, the best interest of the child will be taken into consideration in all actions, which refer as well to children with disabilities. Thus, the prevention of institutionalization and deinstitutionalization of children with and without disabilities is an objective and a priority of the Government and the MLSPF, also the promotion and development of alternative social services aims at preventing the institutionalization and providing alternative community-based care to children with disabilities.

49. In the context of deinstitutionalization and prevention of institutionalization of children with disabilities, the MLSPF collaborates very actively with the "KEYSTONE Moldova", which has been implementing the project "Inclusive Community — Moldova" for several years. With overall support of this project, 136 children and adults with disabilities were deinstitutionalized from the Orhei boarding school and the institutionalization of 60 children was prevented.

50. In order to prevent institutionalization and promote the deinstitutionalization of children with disabilities, regulations and Minimum Quality Standards on the organization and operation of a number of social services were developed and approved in the last years. They include: "Mobile Team", "Personal Assistance", "Respiro", "Community Home", etc.

## **Awareness-raising (art. 8)**

### **Reply to the issues raised in paragraph 10 of the list of issues**

51. In this context, we inform that regular social awareness campaigns on the rights and social integration opportunities for persons with disabilities are held, as well as seminars, conferences and other public events on reforming the social protection system for persons with disabilities and the collaboration with the media, aimed to promote good practices in the field of disability and social inclusion of this group.

52. Every year, the MLSPF holds various events in the context of celebrating the International Day of Persons with Disabilities (December 3). To this end, an Action Plan is



developed and approved to promote the image of persons with disabilities and their rights at national level. In the same context, it should be noted that various activities are carried out, including exhibitions with the sale of items made by persons with disabilities, exhibitions of photographs produced by persons with disabilities, press conferences, roundtables and workshops that address subjects related to the promotion of the rights of persons with disabilities and their social inclusion. Other central and local public authorities, the civil society and donors are also involved in the implementation of the Action Plan.

53. Another event aimed at raising the public awareness on persons with disabilities is the Film Festival dedicated to Human Rights, organized with the support of UNDP Moldova. Thus, films with involvement of persons with disabilities and about their life are broadcast in the Moldovan cinemas and the access is free of charge. This festival is intended to highlight the persons with disabilities and to foster their positive portrayal at society level. To this end, campaigns of advertising the event are held in advance.

## **Accessibility (art. 9)**

### **Reply to the issues raised in paragraph 11 of the list of issues**

54. The accessibility for persons with disabilities is regulated at national level in the Law no. 60 of 30.03.2012, which contains general provisions on the accessibility for persons with disabilities and the authorities in charge for this area. It sets out the state policy on accessibility, design and construction of social infrastructure, arrangement of housings, access to cultural, tourism and sports facilities, as well as access to public transportation and information for persons with disabilities.

55. Currently, a construction regulatory document is in force. It is called NCM C.01.06-2014 “General safety requirements for construction facilities used by persons with disabilities and their accessibility to persons with disabilities”. The enforcement of this document is interpreted in the construction regulatory document CP C.01.02-2014 “Designing buildings and constructions taking into consideration the accessibility for persons with disabilities. General provisions.”

56. For 2016, the Ministry of Regional Development and Constructions — the authority in charge for elaborating policies on construction and infrastructure, decided to develop and approve several regulatory acts on creating favorable environmental conditions for persons with disabilities, including:

- **CP C.01.00:20** “The environment with arrangement elements accessible to persons with disabilities. Design rules”;
- **CP C.01.00:20** “Social buildings and constructions. Environment accessible to persons with disabilities. Design rules”;
- **CP C.01.00:20** “Buildings and premises with workplaces for persons with disabilities. Design rules”;
- **CP C.01.00:20** “Urban environment. Buildings and premises with work places. Design rules for persons with disabilities”.

57. In this context, it is planned to train and certify professionals in the field of constructions on the enforcement of legislation and standards related to the accessibility of persons with disabilities.

58. According to the data of the Council for Preventing and Eliminating Discrimination and Ensuring Equality, 18% of the discrimination cases refer to the inaccessibility to public buildings and social facilities by persons with disabilities.

59. To ensure the access of persons with disabilities, under equal conditions with others, to the new technologies and information and communication systems, including Internet, in urban and rural areas, the Ministry of Information Technology and Communications (MITC) is taking a number of actions.

60. Recently, in a project developed by MITC in partnership with the NGO “Association of the Blind of Moldova”, with financial support of the International Telecommunication Union, a Regional Center for Persons with Visual Impairments was created, in Balti, where persons with visual impairments can develop new skills of using information technologies. The center is equipped with computers and special devices that enable the transformation of online information into audio format or print it in the Braille system. In addition, 3 jobs were created in the project for the blind who will train other beneficiaries on how to use the computer. At the Center the persons with visual impairments will be trained to acquire new skills that will allow them to integrate easier in the social life and find jobs. About 250 members of the Association of the Blind from Balti can benefit from services at the Center.

61. In order to facilitate the access of persons with disabilities to cultural events, the theaters and concert halls and facilities provide them with cheaper tickets and ensure their free access to certain theatre shows based on the request of specialized institutions. In addition, the Ministry of Culture organized different events (Festival-Competition — “I would like to be a star”, International Festival-Competition “Marul de Aur” (*Golden Apple*), International Arts Festival “Plai Natal” (*Homeland*) etc.).

## **Equal recognition before the law (art. 12)**

### **Reply to the issues raised in paragraph 12 of the list of issues**

62. In terms of guardianship for persons with disabilities Republic of Moldova envisages the adjustment of the national legislative framework to Art.12 of the UN Convention on the Rights of Persons with Disabilities. In order to adjust the provisions of the current legislation, especially the provisions of the Civil Code and Civil Procedure Code to the Convention a Working group was established by inter-ministerial order (Ministry of Justice, Ministry of Health and MLSPF). The Working group consists of representatives of responsible ministries and the civil society, including representatives of the Ombudsman’s Office, aiming at reforming the legal capacity. The Working group met in several meetings in the framework of which were presented the international best practices on the support in decision making and the results of the Study “Vulnerability of the guardianship system in the Republic of Moldova”. In addition, recommendations on abolishing/amending the legal provisions, which contravene the Convention and the creation of new support mechanisms in decision making at community level for persons with intellectual and psycho-social disabilities, were presented and discussed.

63. As a result, a draft law on amending certain legislative acts including the Civil Code, in the context of reforming the guardianship system, was developed and finalized at the Ministry of Justice with the participation of the branch ministries (MLSPF and Ministry of Health) and the civil society. The draft law was transmitted to the Parliament for examination and adoption.

## **Access to justice (art. 13)**

### **Reply to the issues raised in paragraph 13 of the list of issues**

64. With the view of training the professionals from various fields on the rights of persons with disabilities, diverse trainings are held. For instance, in the 1st quarter of 2016,

were held 7 trainings on the rights of persons with disabilities at the National Institute of Justice, where 137 judges and prosecutors and 19 judge assistants were trained.

65. In addition, 4 trainings, of 2 days each, were delivered to the employees of community mental health centers, social workers, policemen and prosecutors, as well as to representatives of other local services from the districts of Cahul, Cimislia, Soroca and Orhei. A total of 100 persons were trained.

66. In this context, it is important to mention that trainings for employees from the justice system and the representatives from other areas will continue in the view of understanding and transposing the rights of persons with disabilities in their professional activity.

## **Liberty and security of person (art. 14)**

### **Reply to the issues raised in paragraph 14 of the list of issues**

67. The placement in the residential social institutions run by the MLSPF is conducted under the Law no. 1402 of 16.12.1997 on Mental Health that regulates the grounds and the procedure of making placements in the psycho-neurological institutions. In addition, the placement is also done in line with the Framework-Regulation on the operation of psycho-neurological institutions for adults with mental disabilities operated by the MLSPF.

68. In the psycho-neurological institutions, on a temporary basis, are placed the persons with severe mental disabilities, they are in difficult situations and require specialized assistance and care services. These institutions are not available at community level. The institutions offer care and accommodation, feeding, healthcare, social assistance, ergotherapy. These services have a preventive nature and are intended to maintain the independence of the person in placement and an optimal level of life.

69. MLSPF created 2 intersectorial Working groups, aimed to examine the requests of exceptional and special placement in residential institutions with a view to prevent the institutionalization. The members of the working groups are the representatives of the profile public authorities (MLSPF, Ministry of Health, Ministry of Education) and the outstanding actors from the civil society ("Keystone Moldova", the Institute for Human Rights (IDOM), CCF Moldova). The duties of the working group is to examine the requests of placement in the residential social institutions, submit recommendations on the referral of the examined cases to other alternative social services at community level.

70. The placement is accepted only when there are no alternative solutions and when the life and health of the adult or child with disabilities is endangered. The placement period is determined (from 6 months to 1 year).

71. During the placement, the local public administration must take specific measures and identify the social services, as alternative to the residential care.

72. Deinstitutionalization remains a priority of the Government and MLSPF, therefore the development of alternative social services are aimed at preventing the institutionalization and promote deinstitutionalization of persons with disabilities and to solve the cases at the community level, before they aggravate, where the main objective is the prevention of marginalization and the social exclusion, and to facilitate the beneficiaries' reintegration in the family environment and the community.

73. For 2016-2017, the MLSPF envisages to finalize the assessment of persons from residential institutions that it is operating and develop plans for transformation of residential institutions, developing the National Program on deinstitutionalization of beneficiaries from the institutions subordinated to the MLSPF.

74. The actions mentioned above, and other activities, are reflected in the Action Plan for the implementation of reforms on deinstitutionalization approved by Order no. 44 of March 3, 2016 of the MLSPF.

### **Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

#### **Reply to the issues raised in paragraph 15 of the list of issues**

75. Mental health is a priority of the Republic of Moldova, being included in the National Health Policy 2007-2021, in the context of the commitments undertaken after joining the Helsinki Mental Health Declaration and the European Action Plan on Mental Health.

76. In line with international and national legal framework, the Ministry of Health promotes the development of mental health services at community level and the integration of mental health in primary healthcare, stipulated in the Strategy on developing mental health services at community level and integration of mental health in primary healthcare for 2013-2016.

77. In terms of free and informed consent of persons with disabilities for medical treatment in psychiatric establishments, we inform that the care provided in the mental health services is produced with the consent of the fully informed beneficiary, provided in written form, in the primary medical documentation.

78. The person's informed consent is obtained in written form, every time the mental health services are accessed, after the display by the service providers (doctor, nurse) of the necessary information to the beneficiary, as they could fully understand their own psychical condition, as well as, the treatment and rehabilitation activities suggested by the Community Mental Health Center, Psychiatry Hospitals or other healthcare institutions.

79. The beneficiary is informed about the psycho-pharmacological treatment administered in the psychiatric establishments and its effects, on other therapies (art-therapy, physiotherapy, diagnostic procedures, etc.). Upon the beneficiary's consent and wish, the people in close relatedness to the beneficiary are present when the information on medical treatment is provided. Thus, the optimal treatment is chosen and the necessary and expected effects are selected and the unexpected effects are avoided to offer the best care to the person, after the informed consent in written form is obtained.

80. Regarding the assistance provided to minors, the current legislation in operation is enforced and the information on the care plan is provided to the minor (in an accessible language), to the parents and/or the legal representative.

81. If the psychic condition of the individual is seriously affected and the patient needs emergency hospitalization, for its own safety, whereas, the written informed consent cannot be obtained because of the person's psychical condition — the current regulatory framework is applied.

82. In addition, the Law on Mental Health contains provisions that authorize the hospitalization without the free consent of the person or of his/her legal representative, before the court decision is issued, if the psychical disorder is serious and causes direct social danger or serious harm to the individual's health (Art.28). These provisions shall be reviewed and established clear protection mechanisms, in situations of medical emergency context, excluding the risk of arbitrary hospitalization of persons with psycho-social disabilities.

### **Reply to the issues raised in paragraph 16 of the list of issues**

83. The psycho-neurological residential institutions accommodate, on a temporary basis, persons with severe mental disabilities, who are in difficulty and require care and specialized assistance services that are not available at community level.

84. The services provided by these institutions include: care and accommodation, nutrition, healthcare, social assistance, ergotherapy. These services have a preventive nature and are intended to maintain the independence of the person in placement and the optimal life level. When individuals are placed in social institutions, their rights and the current legislation are taken into consideration.

85. In the context of the social inclusion and enforcement of the rights of persons with disabilities, placed in the psycho-neurological residential institutions, are taken different actions, the main are: monitoring the cases of torture and cruel treatment; increasing the number of beneficiaries engaged in activities and develop working skills; increasing the number of professionals in the social and educational fields (social workers, psycho-pedagogues, educators, psychologists), etc.

86. The MLSPF and the psycho-neurological residential institutions collaborate under a number of projects with diverse non-governmental associations, promoting the rights of persons with disabilities. The most recent examples of collaboration are:

- The project “Promoting and monitoring the rights of persons with mental disabilities placed in psycho-neurological residential institutions”, implemented by the NGO “Keystone Moldova”, with the support of the European Union Delegation to the Republic of Moldova. The project will provide legal assistance to the beneficiaries of residential institutions, will monitor the observance of their rights in institutions, will hold trainings for the beneficiaries of institutions on self-determination, self-representation, human rights and the employees will be empowered to foster and observe the rights of persons with disabilities, etc.;
- The signature of the Memorandum of Understanding between the MLSPF and the IDOM, that sets out the collaboration between the Ministry, residential institutions and IDOM. The collaboration will focus on the following aspects: enforcement of the rights of persons with disabilities, development of the inclusive society, consolidation of capacities of the employees of the public institutions involved in social inclusion of persons with disabilities.

### **Freedom from exploitation, violence and abuse (art. 16)**

#### **Reply to the issues raised in paragraph 17 of the list of issues**

87. No cases of forced abortions or violence have been reported at the psycho-neurological residential institution from Cocieri village, Dubasari district.

88. In 2013, the Prosecutor’s Office from Balti launched a criminal investigation procedure as the result of a case of sexual abuse committed by the senior doctor against several female beneficiaries at the psycho-neurological residential institution from Balti. The doctor was dismissed. The trial on this case is under way.

89. Other complaints or cases of forced abortions were not reported in the reporting period.

90. Additionally, we communicate that the staff lists of the residential institutions include the position of gynecologist, who informs the beneficiaries and monitors their condition for preventing sexual abuse and abortions. The beneficiaries are provided with contraceptives.

91. Moreover, one of the priorities of the Ministry of Labor, Social Protection and Family is to fully ensure the rights of persons with disabilities, their deinstitutionalization and the social inclusion. The framework-Regulation and the minimum quality standards for social services were approved, provided to ensure the social inclusion of persons with disabilities and the delivery of the necessary assistance at community level. An essential role in ensuring social inclusion is played by the Community Mental Health Centers, established at district level.

## **Protecting the integrity of the person (art. 17)**

### **Reply to the issues raised in paragraph 18 of the list of issues**

92. The National Strategy on Reproductive Health has determined the development of services and inter-agency mechanisms aimed at increasing the accessibility and level of accessing qualitative and safe reproductive health services, creation of prevention programs and services, addresses inclusively, to teenagers and young people, the programs of counseling, information, education, communication on issues of sexuality and reproduction and evidence-based training programs for the professionals, for building their capacities.

93. We also inform that, the regulatory framework on this issue is in line with the human rights principles on ensuring high quality medical services for the consensual termination of pregnancy, without any danger for the life and reproductive health of the pregnant woman, promotion of the most safety, harmless and qualitative practices of care in case of the consensual termination of pregnancy, based on scientific evidence. In this context, it is necessary to mention that the Regulation on the consensual termination of pregnancy in safe conditions was approved by Order no. 647 of 21.09.2010 of the Ministry of Health "On the consensual termination of pregnancy in safe conditions". The regulation stipulates the compulsory counseling and the consent given by signing the informed agreement.

94. The Action Plan on providing contraceptives to the vulnerable persons, within the primary healthcare, the common Order no. 812/414-A of 14.08.2014 was approved between the Ministry of Health and the National Health Insurance Company, that contains a number of activities.

## **Living independently and being included in the community (art. 19)**

### **Reply to the issues raised in paragraph 19 of the list of issues**

95. To enforce the rights of persons with disabilities to independent living in the community, in the context of preventing the institutionalization, and to promote their integration into society, the Regulations and minimum quality standards on the operation of a number of social services were developed and approved for 2010-2015: "**Supported Living**" (At the moment, there are 9 "Protected Living" services with 34 beneficiaries), "**Community Home**" (12 "Community Home" services with 81 beneficiaries), "**Mobile Team**" (19 "Mobile Teams" with 518 beneficiaries), "**Personal Assistance**" (1890 personal assistants servicing 1890 persons with severe disabilities), "**Respiro**" (5 "Respiro" services for 177 beneficiaries per year), "**Family Placement for Adults**" (40 services for 40 beneficiaries).

96. By 01.07.2016, there are 2062 persons with disabilities placed in 4 psycho-neurological residential institutions and 2 boarding schools for children with mental disabilities under the supervision of the Ministry (out of them: there are 1923 adults with disabilities and 139 children with disabilities). Obviously, for their deinstitutionalization, it

is necessary to create community based alternatives in conformity with their individual needs.

97. For 2016-2017, the Ministry envisages to finalize the assessment of persons placed in the residential institutions it is monitoring and to develop plans on transformation the residential institutions and develop the National Program for deinstitutionalization of the beneficiaries from institutions run by the Ministry.

## **Freedom of expression and opinion, and access to information (art. 21)**

### **Reply to the issues raised in paragraph 20 of the list of issues**

98. The sign language and other alternative methods of communication are acknowledged through the Law no. 60 of 30.03.2012 as a method of communication between people.

99. To facilitate the communication between the person/persons with hearing impairments (deaf, dumb or deaf and dumb) and the representatives/employees of different authorities/institutions/organizations when they need an interpreter, exercising their rights and obligations, the Regulation on the operation of the Service of Interpretation into Sign Language for Persons with Hearing Impairments was approved by Government Decision no. 333 of 14.05.2014. The delivery of the Service is ensured by the Association of the Deaf of Moldova from the state budget, where the funding is realised via the Ministry of Labor, Social Protection and Family.

100. In 2014, the MLSPF has allocated funds to the Association of the Deaf of Moldova for about 1400 hours of interpretation into the sign language. In 2015, funds were allocated for about 3000 hours of interpretation and in the 1st quarter of 2016 about 2393 hours of interpretation were funded. The submitted data shows the increase in the number of hours of interpretation for persons with hearing impairments every year.

101. In 2015, the Association of the Deaf of Moldova organized and conducted initial and in-service trainings for 113 persons, including: parents of children with hearing disabilities, teachers from special schools for children with hearing disabilities from Chisinau and Tiraspol, teachers from the vocational school, teachers from the specialized kindergartens, doctors, priests, etc.

102. The project *“Building a proactive communication bridge — prerequisite for the social inclusion of persons with hearing disabilities”*, implemented by the Alliance of Community Centers of Access to Information and Training of the Republic of Moldova, in partnership with the Association of the Deaf of the Republic of Moldova, envisages to improve the accessibility and involvement in the community life of persons with hearing disabilities by promoting the sign language, by developing and editing the “Methodological Guide for teaching the sign language in Republic of Moldova”; training 12 interpreters and 72 teachers in the sign language; developing and conducting the e-learning course *“Introduction to the sign language”*, with the participation of at least 60 people from the districts of Moldova.

## **Respect for home and the family (art. 23)**

### **Reply to the issues raised in paragraph 21 of the list of issues**

103. For preventing the institutionalization of children with disabilities a number of measures are taken to support their families. The support measures imply various types of social benefits and social services.

104. Children with disabilities are entitled to **social benefits**, including: the state social allowance; allowance for care, attendance and oversight; state financial support; compensation for urban, suburban and interurban transport; annual transport compensation for persons with motor disabilities, social aid and heating allowance, material aid, where appropriate.

105. Every year, on 1st of April, several social insurance and social assistance benefits are indexed. The indexation coefficient represents the average between the annual increase of the consumer price index and the annual growth of the national average salary for the previous year. The indexation in 2016 represented 10.1%.

106. According to the legislation, children with disabilities also receive different types of **social services**, including:

- The social support service for families with children. This is an essential service for preventing the separation of children from the family environment, by supporting the development of the capacities of the family to raise and upbringing the child and consolidating the protective factors inside the family and connecting it to the relevant resources from the community. At the beginning of 2016, the service operated in 19 administrative-territorial units of the 2nd level. Over 6687 families with children were assisted in 2015;
- The foster care service offers the substitute family care in the family of a foster caretaker. At the beginning of 2016, 645 children (including 31 children with disabilities) were placed in 370 foster families;
- Since 2012, the short-break placement in foster care has been implemented in Republic of Moldova, intended to assist children with disabilities to be raised and brought up in family environment. The short-break placement is applied in 2 administrative-territorial units of the country: Chisinau and Orhei district. In Chisinau there are 5 short-break foster care families for 10 children and in Orhei, there are 3 families for 10 children.

107. The Framework-Regulation and minimum quality standards for the operation of early intervention services were approved by Government Decision no. 816 of 30.06.2016.

108. The mission of *early intervention services* is to provide adequate assistance, in due time, to children with development disorders or at risk of having such disorders and provide support to the family/legal representatives/carers of the child, enabling the child to achieve its maximum potential.

109. The goal of the early intervention services (hereinafter — “*services*”) is to identify, at an early stage, the children with development disorders or being at risk of having such disorders and provide medical, social and psycho-pedagogical assistance to children and families.

110. The services are delivered through interagency collaboration between professionals from healthcare, social, psycho-pedagogical areas, in multidisciplinary teams, in partnership with the parents/legal representatives/carers of the child, ensuring early identification, intervention and primary, secondary and tertiary prevention, empowerment/rehabilitation of children with development disorders and children with disabilities, as well as, their educational and social inclusion.



## **Education (art. 24)**

### **Reply to the issues raised in paragraph 22 of the list of issues**

111. With reference to the implementation of the Strategy and the consolidated Plan of Actions for years 2001-2015 in the field of Education, due to implementation of the key provisions of the consolidated Strategy, the education in Republic of Moldova is being reformed and the activities are aimed at establishing institutional structures, developing and implementing the regulatory-legal framework, which will support shifting to a modern, dynamic and student-centered education system.

112. The following actions have been taken to implement the Consolidated Strategy in the field of Education:

- Development and launch of the process of implementation of the Inclusive Education Development Program for 2011-2020;
- Creation of the Republican Center for Psycho-Pedagogical Assistance subordinated to the Ministry of Education and the district/municipal services of psycho-pedagogical assistance;
- Creation of resource centers for inclusive education;
- Employment of the supporting teaching staff;
- Integration of children with special educational needs in the biological family;
- Deinstitutionalization of children from residential and special institutions and their inclusion in mainstream education settings;
  - Development and implementation of individual educational programs for children with special educational needs;
  - Creation of the adequate conditions for graduates with special educational needs, related to passing the graduation exams according to the adapted tests.

113. Currently, the education of children and young people with disabilities is reflected in the Inclusive Education Development Program of the Republic of Moldova for years 2011-2020, approved by Government Decision no. 523, of July 11, 2011 and the Education Development Strategy for 2014-2020 "Education — 2020", approved by Government Decision no.944 of November 14, 2014.

## **Health (art. 25)**

### **Reply to the issues raised in paragraph 23 of the list of issues**

114. According to the legislation in operation, in case of medical-surgical emergencies is provided the medical assisted transportation from the place of request to the healthcare institution by the service of the Emergency Medicine Department, upon the person's request.

115. To ensure the access to healthcare services for persons, who cannot move, the family doctors and their assistants, as well as the community nurses, make home visits.

116. In addition, persons with severe and pronounced disability, children with disabilities and people who accompany a person with severe disability, or a child with disabilities, receive compensations, from the local budgets for travel in the public urban, suburban and interurban transport, provided by the local public authorities at the place of residence of the beneficiary (Law no. 60 of 30.03.2012).

117. Persons with motor disabilities receive, as well, annual compensations for assisted transportation (Government Decision no. 1268 of 21.11.2007).

118. As for the training of medical staff on human rights, we inform that the Ministry of Health in collaboration with the Center for Health Strategies and Policies and the Council for Preventing and Eliminating Discrimination and Ensuring Equality, has been implemented the project “Building the Capacities of Youth-Friendly Health Centers, in the view of preventing discrimination and promote human rights” (funded by the Embassy of the Kingdom of the Netherlands). The goal of the project is to train medical staff on “Addressing and fighting discrimination in health”.

119. A number of trainings have been delivered under the project to prevent discrimination and promote human rights with the participation of the staff of Youth-Friendly Health Centers from the entire country. In the reporting period, over 250 professionals representing 35 Youth-Friendly Health Centers from the country participated in the trainings.

## **Habilitation and rehabilitation (art. 26)**

### **Reply to the issues raised in paragraph 24 of the list of issues**

120. The rehabilitation/health recovery of the older persons and persons with disabilities is performed in the rehabilitation/ health recovery Centers for older persons and persons with disabilities subordinated to MLSPF. The provided services are: prevention, treatment and rehabilitation of persons with cardiovascular diseases, neuroses with functional disorders of the cardiovascular system, osteochondrosis of the vertebral column, neurological pathologies and cerebral palsies of the motor system, metabolic disorders and specific diseases of the respiratory system.

121. The rehabilitation/health recovery tickets to these centers are offered in line with the Government Decision no. 372 of May 6, 2010 “On approving the Regulation on the registration and distribution of rehabilitation/health recovery tickets for older persons and persons with disabilities”.

122. According to this Regulation, rehabilitation/health recovery tickets are provided to older persons and persons with disabilities, over 18 years old, and are in the database of territorial social assistance and family protection departments.

123. About 8200 persons every year benefit from rehabilitation/health recovery in the specialized centers subordinated to the Ministry.

124. The rehabilitation period for one person is 21 calendar days.

125. The expenses for the rehabilitation/health recovery of older persons and persons with disabilities in the Centers are covered in the limit of allocations made in the state budget for the corresponding year.

126. Another structure subordinated to the Ministry is the Republican Experimental Center for Prostheses, Orthopedia and Rehabilitation (hereinafter the RECPOR (CREPOR)). RECPOR is a specialized center that provides technical aids (prostheses of the upper and lower limbs, orthopedic shoes, wheel chairs and other technical aids), medical rehabilitation services and professional rehabilitation services for persons with motor disabilities.

127. The average duration of inpatient rehabilitation medical assistance at the RECPOR is 14 days. By 01.07.2016, the Center had 49168 beneficiaries, out of whom 9657 are persons with disabilities and war veterans, as the result of wars.

128. The rehabilitation of children with disabilities is provided in the rehabilitation centers of the Ministry of Health. In addition, all public healthcare institutions have rehabilitation wards, aimed to prevent the disability, in case of persons with health problems and provide rehabilitation to persons with disabilities.

129. In the process of delivery of rehabilitation services in the institutions subordinated to MLSPF, the overall human rights principles are observed and, in particular, the rights of persons with disabilities are respected, which goal is the social inclusion of this category of persons.

## **Work and employment (art. 27)**

### **Reply to the issues raised in paragraph 25 of the list of issues**

130. The inclusion of persons with disabilities on the labour market is performed in line with Art. 34 of the Law no. 60 of 30.03.2012.

131. Thus, persons with disabilities are employed according to their professional qualification and working capacity, confirmed by the disability certificate and according to the recommendations made in the individual rehabilitation and social inclusion program issued by the National Council for Determining Disability and Working Capacity or its territorial structures.

132. The employment of persons with disabilities is done as follows:

- (a) In companies, institutions and organizations, under ordinary conditions;
- (b) At home;
- (c) In specialized companies.

133. To ensure the access of a larger number of persons with disabilities to the services provided by the National Employment Agency (NEA) and its territorial structures, in 2011, were introduced changes to the Law no. 102-XV of 13.03.2003 on Employment and Social Protection of Job Seekers by Law no. 56 of 09.06.2011 on amending certain legislative acts. Thus, the job seekers with disabilities, having the working activity, determined in conformity with the recommendation of the National Council for Determining Disability and Working Capacity, are entitled to active measures on stimulating employment, delivered by the NEA (including: information, professional consultation, labour mediation, professional guidance and training).

134. To assist and provide the necessary support to persons with disabilities in accessing the above mentioned measures, in 2012 and 2013, 86 persons were additionally employed (*2 persons in each Territorial Employment Agency and the NEA*), in charge for the delivery of employment services and the protection of the unemployed with disabilities and other categories of persons from vulnerable groups.

### **Reply to the issues raised in paragraph 26 of the list of issues**

135. According to the Household Budget Survey — 41.4% of the total number of persons with disabilities, of age of 15 years old and more, are employed (in 2012, this percentage constituted 43%), as compared to 65.9% in the case of persons without disabilities.

136. *The level of employment* of persons with disabilities is determined by the disability degree, so that the employment is covering:

- 57.6% of the total number of persons with medium disability;
- 44.8% of the total number of persons with pronounced disability;

- 11.2% of the total number of persons with severe disability.

*According to employment status:*

- 66.4% of persons with disabilities are self-employed in agriculture;
- 22.9% of persons with disabilities work as employees in diverse areas under ordinary work conditions;
- 5.9% of persons with disabilities help their families or are not remunerated;
- 4.7% of persons with disabilities are self-employed in non-agricultural activities (business);
- 0.2% of persons with disabilities are owners of different businesses.

137. The largest share of persons with disabilities in the total number of employees is registered in health and social assistance areas — 1.8%, in industry — 1.2% and 1.0% — in administration, education, arts and entertainment, from the total number of employees.

138. At the same time, for the inclusion of persons with disabilities on the labor market, under protected conditions, the non-governmental associations of persons with disabilities are able to create specialized companies, benefiting of the support from the state.

139. The specialized companies — are the companies and organizations with statutory capital, held at 100% by non-governmental organizations and associations of persons with disabilities, established to achieve their statutory goals, where 50% and more of the employees are persons with disabilities from the total number of employees.

140. The state partially subsidizes the procurement of equipment and raw materials, creation of workplaces and partly compensates the state social insurance contributions paid by the specialized companies. Every year, funds are allocated in the state budget for the partial compensation of the state social insurance contributions paid by organizations and companies of non-governmental associations and funds for the procurement of equipment and raw materials for companies mentioned above. 11 specialized companies, employing about 380 persons, including 250 persons with disabilities, receive this support from the state.

## **Adequate standard of living and social protection (art. 28)**

### **Reply to the issues raised in paragraph 27 of the list of issues**

141. The social protection of persons with disabilities is implemented by providing different types of social benefits and services. Persons with disabilities, including children with disabilities under 18, receive the following types of social benefits:

- **Disability Pensions** — the Law no. 156-XIV of 14.10.1998 on State Social Insurance Pensions, which stipulates that the person having a degree of disability caused by a regular disease is entitled to a disability pension, if this person meets the contribution history criteria based on age, on the date, when the disability is confirmed;
- **State social allowances** — Law no. 499-XIV of 14.07.1999 on State Social Allowances for certain categories of persons, stipulating the award of the state social allowances to persons with disabilities, including children with disabilities, who do not meet the requirements to the right of a pension from the state social insurance budget;
- **Allowance for care, attendance and oversight** — Law no. 499-XIV of 14.07.1999 on State Social Allowances for certain categories of persons, which stipulates the

award of allowances for care, attendance and oversight to the following categories of persons with disabilities:

- (a) Persons looking after, accompanying and overseeing at home a child with severe disabilities, under 18;
  - (b) Persons with severe, childhood disabilities;
  - (c) Blind persons, with severe disabilities;
- **Compensations for transportation services** — established under the Law no. 60 of March 30, 2012 on Social Inclusion of Persons with Disabilities. This compensation is awarded by the territorial social assistance and family protection structures and is paid from the budgets of the administrative-territorial units;
  - **Material aid** — is provided under the Law no. 827-XIV of 18.02.2000 on the Republican Fund and Local Social Support Funds. It represents a fixed amount of money provided to socially vulnerable persons, once in 11 months (including persons with disabilities).

142. Persons with disabilities with the income lower than the MGMI (Monthly Guaranteed Minimum Income), can apply to receive the **Social Aid** and **Heating Allowance**. The goal of the social aid is to ensure a monthly guaranteed minimum income for disadvantaged families, awarded in line with the assessment of the family's monthly average global income and the need for social assistance.

143. As for the access of persons with disabilities to *public accessible* housing programmes, according to the Law no. 75 of 30.04.2015 on Housing, persons with severe disabilities and the families with children with disabilities have the priority right to benefit from social housing according to the law.

144. In this regard, we inform that the Ministry of Regional Development and Construction is the central public authority in charge for building dwellings. The Ministry is implementing the project "Building social housing for socially vulnerable population", funded by the Council of Europe Development Bank. The Project Implementation Unit (PIU), a subordinated structure to the Ministry of Regional Development and Construction, is in charge for the project implementation. The goal of the above mentioned project is to build social housing, which will be subsequently transmitted to socially vulnerable persons on lease.

## C. Special obligations

### Statistics and data collection (art. 31)

#### Reply to the issues raised in paragraph 28 of the list of issues

145. To the question on the system of data collection and analysis, we inform that, the statistics on the number of persons with disabilities, disaggregated by age, gender, place of residence, type of benefits, amount of the benefit, type of social services, occupational status, education, professional experience, etc. are collected by the National Bureau of Statistics and other institutions in charge for the social protection of persons with disabilities (National Social Insurance Company, National Council for Determining Disability and Working Capacity, Republican Experimental Center for Prostheses, Orthopedics and Rehabilitation, National Employment Agency, Local Public Authorities (LPA) and service providers, etc.). The Ministry of Labor, Social Protection and Family

had started using the Social Assistance Automated Information System (SAAIS), which, at the moment, is in the piloting process. The SAAIS includes a number of online running modules, including Social Benefits, Social Services and Disability Determination. For example, the Social Benefits Module of the Social Aid compartment contains data on the employment and economic status and family situation of the social aid beneficiary.

## **International cooperation (art. 32)**

### **Reply to the issues raised in paragraph 29 of the list of issues**

146. The National Council for Coordinating Sustainable Development was established by Government Decision no. 912 of 25.07.2016. The goal of the Council is to coordinate and monitor the adaptation and integration of the Sustainable Development Objectives from the Sustainable Development Agenda 2030 in the national and sector development policies, via sector groups, in the framework of the responsible ministries. The Council includes ministers, directors of agencies, representatives of the civil society and the UN Agencies from Moldova, donors.

147. We also inform that, MLSPF is developing a new National Program on Social Inclusion of Persons with Disabilities for 2017-2022, aimed at ensuring the full participation of persons with disabilities in the society and to provide their equal access to goods and services as other citizens. The central and local public authorities, as well as the civil society, are involved in the development of the Project. Several public consultations (8) have been held, including at regional level, in the north, center and south of the Republic of Moldova. The consultations identified the problems faced by persons with disabilities and suggestions have been formulated on the actions, which should be included in the Action Plan for the implementation of the Program.

## **National implementation and monitoring (art. 33)**

### **Reply to the issues raised in paragraph 30 of the list of issues**

148. The monitoring of implementation and promotion of the national policy on social inclusion of persons with disabilities is performed by the National Council for the Rights of Persons with Disabilities (hereinafter the Council), as stipulated in Art.54 of the Law no 60 of 30.03.2012.

149. The Council is a collegial consultative body established with a view to monitor the implementation and promotion of the state policy in the field (by laws, strategies, programs, action plans, etc.) and of the Convention, aimed at providing this category of population equal possibilities to fulfill their fundamental rights and freedoms, at the same level as other members of the society.

150. The Council consists of representatives of the central and local public authorities, non-governmental organizations and representatives of community-based organizations, which scope of activity includes the problems of persons with disabilities.

151. The Chair of the Council is a Deputy Prime Minister in charge for the social sector and the Deputy Chair of the Council, is the MLSPF.

152. To ensure the periodical monitoring and reporting to the UN Committee on the Rights of Persons with Disabilities on the measures taken to implement the Convention, on 20.07.2016, the Government developed and approved the Set of Indicators for monitoring the implementation the Convention.

153. The indicators will contribute to the consolidation of the monitoring and reporting process on implementation the Convention and will serve as the ground for further development of policies in this field and the evaluation of the impact of these policies, as well as, for the identification and settlement of obstacles faced by persons with disabilities while exercising their rights.

154. The independent mechanism of monitoring the implementation and promotion of the national policies on social inclusion of persons with disabilities is enforced by the Ombudsman's Office, the civil society, the NGOs in the field, the Council for Preventing and Eliminating Discrimination and Ensuring Equality.

155. In this context, by Decree no. 01-09/16 of 30.05.2016 of the Ombudsman, was established the Council of Experts, in the framework of the Ombudsman's Office, on monitoring the implementation of the Convention. The Council consists of 7 members — the representatives of the civil society and NGOs active in the field, providing consultancy and assistance to the Ombudsman's Office on monitoring the implementation of the Convention.

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